

APPLICATION GRANTED  
SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 12/7/2022

Defendants' motion is denied as moot without prejudice to refile pursuant to Fed. R. Civ. P. 15(a)(3). The Clerk of Court is respectfully directed to terminate the motion at Doc. 12.

**JacksonLewis**

December 6, 2022

**VIA ECF**

Hon. Vernon S. Broderick, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 415  
New York, New York 10007

Re: James Lee v. Riverbay Corporation et al  
Case No. 22-cv-7504 (VSB)

Dear Judge Broderick:

We represent all of the Defendants in the above-referenced action. Defendants submit this letter in accordance with Your Honor's November 30, 2022 Order (Docket No. 15), to notify the Court that Defendants' Motion to Dismiss Plaintiff's Complaint (Docket Nos. 12-13) should be deemed moot without prejudice to refile a new motion to dismiss in accordance with Federal Rule of Civil Procedure 15(a)(3).

Your Honor's consideration is greatly appreciated.

Respectfully submitted,

*Brian J. Shenker*

Brian J. Shenker

Cc: All counsel (via ECF)